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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,634	07/23/2003	Kyung-Geun Lee	1293.1926	6894

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EXAMINER

LAMB, CHRISTOPHER RAY

ART UNIT

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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,634

Applicant(s)

LEE ET AL.

Examiner

Christopher R. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-11,14,15,17,22 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-11,14,15,17,22 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 2nd, 2008 has been entered.

Information Disclosure Statement

2. The information disclosure statement filed May 29th, 2008 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specifically, there is no English language explanation of the cited Japanese office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 7, 11, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4:

This claim recites wherein "new data about the disk state data is recorded in an area next to an area containing most recently recorded disk state data."

This limitation is confusing. It should probably read "new disk state data is recorded in an area next to an area containing most recently recorded disk state data."

As it is written, it appears to introduce a new element, "data about the disk state data," but judging by the specification, there is no such data about the disk state data, but just the disk state data itself.

Regarding claims 7, 11, and 14:

They are similar to claim 4 and is similarly rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 8-10, 15, 17, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoi (US 2002/0085470).

Regarding claim 1:

Yokoi discloses:

An optical information storage medium, comprising:
a user data area for recording user data (not specifically shown, but part of the type of discs disclosed in e.g., paragraph 2); and
a lead-in area (shown in Fig. 18), comprising:
a reproducing-only area (the preformatted area, e.g., paragraph 240); and
a recordable area to store updated disk state data when a recording of a predetermined data is completed (paragraph 251),

wherein the updated disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area and an address of a predetermined area of a drive data area (paragraph 251).

Regarding claim 2:

Yokoi discloses:

wherein the predetermined area of the OPC area comprises an area containing newly recorded optimum power control data (paragraph 251).

As for the other limitation, "and the predetermined area of the drive data area comprises an area containing most recently recorded drive data," claim 1 (which this claim depends from) requires that the disk state data include only "at least one" of the OPC address and the drive data address, so this limitation does not have to be met in order to meet the claim language as long as the other is met. Note, though, that Yokoi does disclose a drive data area comprising an area containing most recently recorded drive data (paragraph 251).

Regarding claims 8-10:

All elements positively recited have already been identified with respect to earlier rejections. No further elaboration is necessary.

Regarding claim 15:

Yokoi discloses:

wherein the recordable area comprises:

an optimum power control zone to record data for optimal power control (paragraph 251),
a disk zone to record data about the disk states (e.g., disk ID: paragraph 251),
a drive zone to record drive-related data (e.g., drive ID: paragraph 251).

Regarding claim 17:

All elements positively recited have already been identified with respect to earlier rejections. No further elaboration is necessary.

Regarding claim 30:

Yokoi discloses:

An apparatus for recording and/or reproducing data on an information storage medium comprising a user data area and an area other than the user data area, comprising:

a pickup which illuminates a laser beam on the optical storage medium (Fig. 6);
and
a controller which controls the pickup to record and/or reproduce the data on and/or from the optical storage medium (Fig. 6),

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wherein an area other than the user data area comprises a reproduction-only area (the preformatted area, e.g., paragraph 240) and a recordable area to record disk state data when a recording of user data is completed (paragraph 251),

wherein the disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area and an address of a predetermined area of a drive data area (paragraph 251).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 7, 11, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoi in view of Ito et al. (US 2006/0120240).

Regarding claim 4:

Yokoi discloses an optical information storage medium as discussed above.

Yokoi does not disclose wherein when the disk state data is updated, new data about the disk state data is recorded in an area next to an area containing most recently recorded disk state data.

Ito discloses:

That when a recording management area is updated, new data is recorded in an area next to an area next to an area containing most recently recorded disk state data (paragraphs 27-29; Fig. 4).

It would have been obvious to one of ordinary skill in the art to include in Yokoi wherein when the disk state data is updated, new data about the disk state data is recorded in an area next to an area containing most recently recorded disk state data.

The rationale is as follows:

Yokoi doesn't disclose where new data is put, but it must go somewhere. Ito demonstrates that the standard for DVD-R is to record the data next to one another; it would have been obvious to follow the standard, and one of ordinary skill could have combined these teachings with predictable results.

Regarding claims 7, 11, and 14:

All elements positively recited have already been identified with respect to earlier rejections. No further elaboration is necessary.

Regarding claim 22:

Ito discloses:

A method of accessing an area on an optical storage medium where new user data is to be recorded, comprising:

recording, in a recordable area of a lead-in area of the optical storage medium, data about a disk state, when a recording of user data is completed, wherein the data about the disk state includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, and address of an area containing most recently recorded user data, and data representing whether additional recording is possible after the recording of user data is completed (paragraph 251: the address of the OPC area).

Ito does not explicitly disclose:

wherein, when new user data is to be recorded, an area on the optical storage medium where the new user data is to be recorded is accessed, using recorded data about the disk state.

Yokoi discloses wherein, when new user data is to be recorded, an area on the optical storage medium where the new user data is to be recorded is accessed, using recorded data about the disk state (paragraphs 27-32: it needs the information in the RMA to record more data).

It would have been obvious to one of ordinary skill in the art to include in Ito wherein, when new user data is to be recorded, an area on the optical storage medium where the new user data is to be recorded is accessed, using recorded data about the disk state.

The rationale is as follows:

Yokoi already discloses an RMA, but doesn't disclose every detail of what it is used for. Ito merely expands on the use of the RMA: since it already exists in Yokoi, one of ordinary skill could certainly use it as disclosed by Ito, with predictable results. Indeed, this is probably how it is used by Yokoi; the use is just not explicitly disclosed.

Response to Arguments

9. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (571) 272-5264. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627